

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Michael A. FISCHER)	Confirmation No: 3148
)	
Application No.: 09/292,152)	Group Art Unit: 3752
)	
Filed: April 15, 1999)	Examiner: D. Nguyen
)	
For: EARLY SUPPRESSION FAST RESPONSE)	
FIRE PROTECTION SPRINKLER)	

United States Patent and Trademark Office
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APPLICANT'S COMMENTS ON
THE STATEMENT OF REASONS FOR ALLOWANCE

Sir:

In response to the Examiner's Statement of Reasons for Allowance (hereinafter "Statement") in the Detailed Action attached to the Notice of Allowability (hereinafter "Notice") issued on August 25, 2006, the following comments are provided to provide a more complete and clear file history for the above-identified application.

A Request for Continued Examination (RCE) and Amendment submission was filed on May 9, 2006 in response to a previously issued Notice of Allowance dated February 9, 2006. In the Amendment submission, claims 2-20 and 36-105 stood as being allowed, and claims 106-137 were added for the Examiner's consideration. Each of independent claims 2, 36-42, 61-64, 83-86 include a deflector "defining at least two reentrant slots." In contrast, each of independent claims 105-108, and 129 includes a deflector "defining at least two grouping of slots," without the recitation of "reentrant slots."

Following the May 9, 2006 RCE submission, the Office issued a Notice of Allowance on August 25, 2006 in which claims 2-20 and 36-137 were allowed. According to the Examiner's Statement:

The prior art fails to disclose or render obvious the claimed combination including: an early suppression fast response (ESFR) sprinkler having a body with an orifice and K factor of 25 and flow pressure between 15 psi – 40 psi.; a deflector having a first surface, at least two reentrant slots disposed in opposition about a deflector axis and extending from [sic] the first surface through the deflector, and the reentrant slots extending from slot openings at an outer peripheral edge toward the deflector axis.

See Detailed Action, at 2, para. 1. On its face, the Statement is unclear because, as noted above, several of the allowed independent claims do not recite "reentrant slots," and the Statement does not limit its applicability to a subset of the allowed claims. It is applicant's position that independent claims 105-108 and 129 are not limited to a deflector having "reentrant slots," and are patentably distinct for other reasons.

To clarify the issue, a telephone conference was conducted between the Examiner and David J. Baltazar (Reg. No. 53,964), on September 19, 2006. During the conference, Mr. Baltazar pointed out that independent claims 105-108 and 129 did not recite a deflector having "reentrant slots" and therefore should not be so limited. The Examiner confirmed that, at the time of issuing the Notice, he understood that claims 105-108 and 129 did not recite a deflector with "reentrant slots," and that the claims are patentable without the recitation of such features.

The Examiner declined to issue a supplemental statement or Interview Summary. The Examiner agreed that the record could be supplemented by applicant's comment in response to the Statement, thereby necessitating this submission.

CONCLUSION

This paper is being filed before or along with payment of the issue fee. No fee is believed due for filing this paper. However, The Commissioner is hereby authorized by this paper to charge any fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-3840. **This paragraph is intended to be a CONSTRUCTIVE PETITION FOR EXTENSION OF TIME in accordance with 37 C.F.R. § 1.136(a)(3).**

Respectfully submitted,



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